



+ VIA ECF +

October 23, 2024

Hon. Lawrence J. Vilardo, U.S.D.J.  
Robert H. Jackson United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202

Re: *In re Athenex, Inc. Securities Litigation*, No. 1:21-cv-00337-LJV-HKS

Dear Judge Vilardo:

Plaintiff in the above-captioned action writes this letter to provide the Court with a recent stipulation entered in the related bankruptcy proceeding involving Athenex, Inc. (*see* Exhibit A hereto) and to inform the Court that pursuant to that stipulation, Plaintiff now “has the right to recover against Athenex, Inc., limited to and solely to the extent of available insurance.” *See* Exhibit A at 4, ¶3.

Accordingly, Plaintiff requests that this Court lift this action’s stay against Athenex (ECF No. 70).

Thank you for your attention to this matter.

Respectfully submitted,

/s /Deborah Clark-Weintraub

Deborah Clark-Weintraub  
Jeffrey P. Jacobson  
**SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
The Helmsley Building  
230 Park Avenue, 24th Floor  
New York, NY 10169  
Tel.: (212) 223-6444  
dweintraub@scott-scott.com  
jjacobson@scott-scott.com

*Lead Counsel for Plaintiff John McKenzie*

Honorable Lawrence J. Vilardo

October 23, 2024

Page 2

**LABATON SUCHAROW LLP**

Michael P. Canty

140 Broadway

New York, NY 10005

Tel.: (212) 907-0700

mcanty@labaton.com

*Additional Counsel*